

Subject: **Sanitary Permit Expiration Guidance**
Sent: 7/26/2016

The Department of Safety and Professional Services was recently asked to evaluate the expiration date for a sanitary permit issued under the authority of Wisconsin Stat. § 145.19 and Wis. Admin. Code § SPS 383.21. The following message contains the analysis of that review and guidance to those local units of government that issue state sanitary permits.

Analysis

Wis. Stat. § 145.19(7) states the following:

”Period of validity. A sanitary permit is valid for 2 years from the date of issue and renewable for similar periods thereafter. A sanitary permit shall remain valid to the end of the established period, notwithstanding any change in the state plumbing code or in any private on-site wastewater treatment system ordinance during that period.”

Wis. Admin. Code § SPS 383.21(5) states the following:

“Expiration. Pursuant to s. 145.19 (1b), Stats, a sanitary permit shall expire 2 years from the date of issuance unless renewed in accordance with sub. (6).”

In reviewing both of these sections, a sanitary permit is valid for a period of 2 years even if there is a change in the state plumbing code or relevant local ordinance during that two-year period. A sanitary permit may be issued and renewed indefinitely only if all of the criteria in the state plumbing code and local ordinance are satisfied at the time of renewal.

Guidance

State sanitary permits expire two years from the date of issuance, regardless of any other conditions such as when the system is installed. The exception is for permits which may be temporarily suspended or revoked under the authority of Wis. Admin. Code § SPS 383.21(6M) or (7). The modification of an existing POWTS may not commence or continue unless the owner of the property on which the POWTS is located possesses a valid sanitary permit and has obtained plan approval for the modification under Wis. Admin. Code § SPS 383.22, if the modification involves the addition or replacement of any of the following:

1. A POWTS holding component.
2. A POWTS treatment component.
3. A POWTS dispersal component.

Example 1. A sanitary permit is issued and a POWTS is installed shortly thereafter. The final inspection has been performed. Six months prior to the expiration of the sanitary permit, it is proposed to install a pretreatment unit.

Answer: The addition of a treatment component requires plan approval from the appropriate agency. A new sanitary permit is not required if the treatment component is installed prior to the

expiration date (or new date if renewed). The records for the sanitary permit may need to be updated.

Example 2. A sanitary permit is issued and a POWTS is installed shortly thereafter. The final inspection has been performed. The septic tank fails in 6 months and is proposed to be replaced by the same tank model under warranty by the manufacturer prior to the expiration date of the sanitary permit.

Answer: Neither plan review nor a new sanitary permit is required because no changes to the approved plans are proposed and the sanitary permit is valid for a period of two years from the date of issuance. The responsible party shall notify the appropriate unit of government when the work will be ready for inspection under Wis. Admin. Code § SPS 383.26. The records for the sanitary permit may need to be updated.

Example 3. An addition or modification to an existing POWTS is proposed 5 years after the installation of the system.

Answer: Plan review of the proposed modifications by the appropriate agency is required. Since the proposed modification is after the expiration of the first sanitary permit, a new permit must be issued prior to the work being performed.